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SEP 14 2004

OF COUNSEL
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FACSIMILE TRANSMITTAL SHEET

TO: Examiner Fischmann

FIRM: United States Patent and Trademark Office

FAX NO: 703-872-9306

FROM: Matthew A. Pequignot, Reg. No 43,851

RE: Application No. 09/827,173

Number of pages 4
(Includes Cover Page)

Confirmation Copy Y X NDate 9-14-2004

MESSAGE:

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SEP 14 2004

**PATENT
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

| | | |
|---------------------------------|---|--------------------------|
| In re Application of |) | |
| |) | |
| Donald B. Harris et al. |) | Group Art Unit: 3618 |
| |) | |
| Appl. No. 09/827,173 |) | Examiner: Fischmann, B. |
| |) | |
| Filed: April 6, 2001 |) | Atty. Dkt. No.: 7002.120 |
| |) | |
| For: HYBRID POWER SUPPLY MODULE |) | |

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

RESPONSE

In response to the restriction requirement contained in the Office Action dated May 14, 2004, Applicants hereby provisionally elect, for consideration on the merits, Species II of Category A, and Species I of Category B. This election is with traverse. Furthermore, it is noted that claims 1 and 12 are generic to all species (as such species are defined by the Examiner). Therefore, if one or both of claims 1 and 12 are found to be allowable, all claims dependent thereon should be allowable as well.

With regard to the traverse, due to the similarities of the inventions disclosed in the respective figures and the manner in which they would be classified, it is not believed that any additional searching, if any, that might or would be required to examine the several species substantively would be unduly burdensome. Additionally, it is not understood why the Examiner has chosen to classify the various defined species into two separate "Categories". For example, it is believed that the species of Category B are simply alternative embodiments of the invention claimed in claims 1 and 12 (which may be fairly classified in "Category A"). Furthermore, it is not clear from the Office Action whether the Examiner wishes Applicants to elect for examination one of Category A or

Category B. If such a requirement was implicit in the Office Action, however, Applicants hereby provisionally elect Category A (also with traverse).

For the foregoing reasons, and, further, because it is recognized that "restrictions" of this type are discretionary in nature, withdrawal of the subject restriction requirements is respectfully solicited. Finally, although all issues are believed to have been resolved by this response, if any issues are determined to remain, the Examiner is respectfully invited to contact the undersigned telephonically so that such issues can be resolved most expeditiously.

If any fees are determined to be required with this response, please charge them to Deposit Account 50-0644.

Date: 9-14-2004

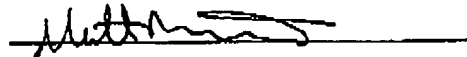
Respectfully Submitted,



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I hereby certify that this document was filed by facsimile with the United States Patent and Trademark Office on September 14, 2004.



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